

UNITED STATES BANKRUPTCY COURT
SUPERIOR OF PUERTO RICO

IN RE:	*	CASE NO. 14-04945 (BKT)
	*	
IDEL CASTRO PLAZA	*	
	*	CHAPTER 13
DEBTOR	*	
	*	
	*	
	*	

RESPONSE TO OBJECTION TO CLAIM

TO THE HONORABLE COURT:

COMES NOW, LUZ NAHIR MARTINEZ SANTIAGO, CREDITOR in the above captioned case, through the undersigned attorney and very respectfully states, alleges, prays and requests relief as follows:

1. That on November 12, 2014, Luz Nahir Martinez Santiago ("Martinez"), filed proof of claim 7-1, as an unsecured priority creditor, claiming Domestic Support Obligations ("DSO") arrears in the sum of \$33,000.00, in the above captioned case.
2. That as a result, Idel Castro Plaza ("Debtor") filed an Objection to the Claim No.7-1 on December 8, 2014 on the grounds that a Judgment was not included in order for the Creditor to support her claim.
3. That on January 22nd, 2015, the Creditor requested an Extension of Time in order to properly respond to the Objection to Claim and the Creditor is hereby acting accordingly.
4. On October 4, 2005, the Superior Court of Puerto Rico in Caguas issued a Judgment accepting the agreements between both parties in question as regards to the Child Support Obligations the Debtor owes the under age twins (Exhibit I).

5. That such Child Support Obligation for both children was set at \$800 per month plus 50% of tuition and other school related expenses such as books, uniforms and school supplies, effective on June 1st, 2004 (Exhibit I).
6. After recognizing such agreement, the Debtor made all the Child Support payments in arrears at the rates and proportions agreed upon on the Judgment. Nonetheless, and right afterwards Debtor's monthly payments were of \$500 monthly instead of the agreed upon \$800 and made no payments towards the 50 % of tuition, books, uniforms and school supplies expenses.
7. That having filed Chapter 13, Debtor requested from Creditor for her to write a letter where she would certify that the Child Support Obligation amount set to be paid was of \$500 monthly and that Debtor had no balance due on his Child Support Obligation.
8. That as a result of not obtaining such letter from the Creditor, the Debtor fraudulently decided to inform the Puerto Rico Superior Court in Caguas that the parties in question had reached an agreement to set the Child Support Obligation at \$500 monthly in order for IDEL CASTRO PLAZA to obtain from the Honorable Court a Judgment in his favor with such determination (Exhibit II)
9. Fortunately, the Puerto Rico Superior Court in Caguas asked Luz Nahir Martinez Santiago for her side of the story (Exhibit III).
10. On October 14th, 2014, the Creditor expressed her side of the story to the Honorable Court opposing the allegations of the Debtor in such fraudulent attempt of misinforming and leading the Honorable Court to error (Exhibit IV).
11. On October 21, 2014. the Puerto Rico Superior Court in Caguas, without taking into consideration the Creditors position on the matter, determined that the Child Support Obligation was set to \$500 effective on August 20, 2014. As a result, the Debtor owes in arrears due to the difference on \$300.00 monthly (Exhibit I and Exhibit V).
12. As a result, the Creditor has requested the Puerto Rico Superior Court to reconsider the determination while considering her arguments and we are now awaiting a determination from such Honorable Court. (Exhibit VI).
13. For such reasons, at this moment, the Creditor can support her Proof of Claim with all the information and Exhibits included in this docket but for the Judgment which should be close to be issued by the Puerto Rico Superior Court in Caguas.

PRAYER FOR RELIEF

WEREFORE, based on the foregoing, Creditor through the undersigned attorney,

RESPECTFULLY REQUESTS from this Honorable Court to:

1. Accept the Creditor's Proof of Claim as requested;
2. Allow the Creditor to file the Judgment to be issued by the Puerto Rico Superior Court in Caguas once notified to the parties in question; and,
3. Grant this motion with any other relief that it should deem just and equitable under Law and Equity.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification, upon information and belief, of such filing to the Chapter 13 Trustee, Alejandro Oliveras Rivera, and to all other participants appearing in said record.

I HEREBY FURTHER CERTIFY, that we have served by regular mail this document to the Debtor's undersigned attorney, Roberto Figueroa Carrasquillo, at the mailing address in record.

RESPECTFULLY SUBMITTED

In San Juan, Puerto Rico, this 29 day of January of 2015.

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